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Attorneys for Plaintiff  
IMMERSION CORPORATION

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

**IMMERSION CORPORATION,**  
  
Plaintiff,  
  
v.  
  
**FITBIT, INC.,**  
  
Defendant.

Case No. 5:17-cv-3886-LHK

**NOTICE OF CLAIM CONSTRUCTION  
DISPUTE AFFECTING MOTION TO  
DISMISS**

Judge: Honorable Lucy H. Koh

1 Plaintiff Immersion Corporation (“Immersion”) hereby notifies the Court that the parties  
2 have a claim construction dispute that will affect Fitbit’s pending Motion to Dismiss under 35 U.S.C.  
3 § 101 (Dkt. 23). The parties have been meeting and conferring regarding disputed claim terms in  
4 accordance with the Patent Local Rules.

5 During the parties’ exchanges, Fitbit proposed in its P.R. 4-2 disclosure that certain terms be  
6 construed as means plus function under 35 U.S.C. §112(f). Immersion has now agreed that such  
7 terms should be construed under 35 U.S.C. §112(f). The parties have not reached agreement on the  
8 corresponding structure, and absent agreement, will submit the issue to the Court in claim  
9 construction briefing pursuant to the Case Management Order (Dkt. 35). Immersion expects the  
10 Court’s § 101 analysis to be impacted by the particular function and structure read into the claims.  
11 The parties are continuing to meet and confer as to disputed claims terms, and their final positions  
12 currently are due on February 23, 2018.<sup>1</sup>

13 Immersion files this Notice to bring this issue to the Court’s attention. Immersion would be  
14 happy to provide additional information or briefing if useful to the Court.

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27 <sup>1</sup> Fitbit has requested an extension of one week, which Immersion does not oppose. The  
28 parties filed a stipulation today requesting the extension.

1 DATED: February 22, 2018

Respectfully submitted,

2 MCKOOL SMITH, P.C.

3 /s/ Courtland L. Reichman

4 Courtland L. Reichman

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